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08/019011

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/019,011 02/18/93 DEAN

T	1158C
EXAMINER	
FORD, J	

12M2
LOWE, PRICE, LEBLANC AND BECKER
99 CANAL CENTER PLAZA, SUITE 300
ALEXANDRIA, VA 22314

ART UNIT	PAPER NUMBER
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1202
DATE MAILED:

05/19/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☐ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-848. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1 - - 32 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 19, 23, 27 and 32 are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 1 - - 32 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-848).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

Art Unit 1203

The claims in the application are claims 1-32.

The 1, 2 thiazine type of claim 19 are rejected as not being patentably distinct from the claims of the parent application Serial No. 07/775,313.

Claims 19, 23, 27 and 32 are provisionally rejected under 35 USC 101, as the statute provides for a patent therefore, as Serial No. 07/775,313 has been allowed.

This application has been found to contain more than one invention. Therefore, restriction to one of the following distinct inventions is required:


- (I) Claims 1 et seq. that are non-fused thiophines in Class 549.
- (II) Claims 19 et seq that are 1, 2 thiazines in Class 544.

These distinct inventions have acquired separate status in the art, will support separate patents, and will require different fields of search for the respective inventions. Accordingly, restriction for examination purposes as indicated is considered proper; 35 U.S.C. 121; 37 CFR 1.141 and 37 CFR 1.142.

Applicants' response must include a provisional election if the requirement be traversed, see 37 CFR 1.142 and 1.143.

Any inquiry concerning this communication should be directed to Examiner Ford at telephone number (703) 308-4721.

Ford: ach
May 17, 1993


JOHN M. FORD
PRIMARY EXAMINER
GROUP 120